

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4123 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

R M SAIYAD

Versus

STATE OF GUJARAT & ANR.

Appearance:

MR VS MEHTA for Petitioner

MR NN PANDYA for the Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 23/07/96

ORAL JUDGEMENT

1. Heard learned counsel for the parties. The respondents have not filed any reply to this Special Civil Application. The petitioner, who is retired Government servant filed this Special Civil Application praying therein that the respondents may be directed to extend the benefit of the Government resolution No.LGS-1068-A dated 18th February, 1975. Under the aforesaid resolution, a provision is made for the

transfer of the quarters occupied by the Government servants by way of sale or hire purchase basis.

2. The petitioner while he was in Government service occupied Room No.3469 of Block No.146 of Meghaninagar Government Colony, Meghaninagar,Ahmedabad - 16. The petitioner retired from the Government services on 28th February, 1983 on the post of Police Sub-Inspector. After his retirement under the order impugned in this Special Civil Application, he was called upon to hand over the possession of the room and further the market rent at the rate of Rs.756/- has been demanded. By interim relief, the petitioner is protected and he was directed to deposit Rs. 30/- p.m. as rent. The case of the petitioner is that his case is fully covered under the resolution dated 18th February, 1975 and is entitled for getting this room by way of sale or on hire purchase basis, but that claim of the petitioner has not been considered. The counsel for the respondent has fairly conceded that the respondent will consider the claim of the petitioner regarding the entitlement of the petitioner, whether the benefit of the aforesaid resolution can be given to him or not. In view of this fact, the interest of justice will be served in case this Special Civil Application is disposed of with the direction to the respondent to consider the case of the petitioner for transfer of the room in question by sale or on hire purchase basis under the aforesaid resolution.This exercise may be undertaken by the respondent within a period of three months. Till the matter of transfer of room to the petition by sale or on hire purchase basis is considered, the interim relief granted by this Court shall continue. The respondents are further directed to decide the case of the petitioner regarding his entitlement to get the room by sale or on hire purchase basis under the aforesaid resolution within a period of three months from the date of receiving certified copy of this order. In case the claim of the petitioner is not accepted, the respondents shall pass a speaking order and a copy of the same may be sent to the petitioner by registered post. Rule is made absolute in the aforesaid terms with no order as to costs.

zgs/-